

105TH CONGRESS
1ST SESSION

H. R. 1506

To amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances.

IN THE HOUSE OF REPRESENTATIVES

APRIL 30, 1997

Ms. VELÁZQUEZ (for herself, Mr. CLAY, Mr. RANGEL, Mr. GONZALEZ, Ms. KILPATRICK, Ms. EDDIE BERNICE JOHNSON of Texas, Ms. PELOSI, Mr. MANTON, Mr. HINCHEY, Mrs. MINK of Hawaii, Mrs. MEEK of Florida, Ms. MILLENDER-McDONALD, Mr. FLAKE, Ms. MCKINNEY, Mr. TOWNS, Mr. DELLUMS, Mr. THOMPSON, Mrs. CLAYTON, Mr. SERRANO, Mr. GUTIERREZ, Mr. FILNER, Mr. CLYBURN, Mrs. MALONEY of New York, Mr. PAYNE, Ms. FURSE, Ms. WATERS, Mr. CUMMINGS, Mr. PALLONE, Mr. PASTOR, Mr. OWENS, Mr. DAVIS of Illinois, Mr. ENGEL, Mr. HILLIARD, Mr. RUSH, Mr. MEEHAN, Mr. DIXON, Mr. BARRETT of Wisconsin, Mr. KENNEDY of Massachusetts, Mr. STARK, Mr. JACKSON of Illinois, Mr. BONIOR, Ms. ROYBAL-ALLARD, Ms. WOOLSEY, and Mr. JEFFERSON) introduced the following bill; which was referred to the Committee on Commerce

A BILL

To amend the Public Health Service Act to prohibit discrimination regarding exposure to hazardous substances.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Community Environ-
5 mental Equity Act”.

1 **SEC. 2. DISCRIMINATION REGARDING EXPOSURE TO HAZ-**
2 **ARDOUS SUBSTANCES.**

3 The Public Health Service Act (42 U.S.C. 201 et
4 seq.) is amended by adding at the end the following title:

5 “TITLE XXVIII—DISCRIMINATION REGARDING
6 EXPOSURE TO COVERED SUBSTANCES

7 “**SEC. 2801. DEFINITIONS.**

8 “(a) COVERED SUBSTANCES.—For purposes of this
9 title, the term ‘covered substance’ means each of the
10 following:

11 “(1) Any contaminant identified under the Safe
12 Drinking Water Act (title XIV of this Act).

13 “(2) Any substance described in section 201(q)
14 of the Federal Food, Drug, and Cosmetic Act, and
15 any material registered pursuant to the Act referred
16 to in paragraph (1) of such section.

17 “(3) Any chemical listed by the National Toxi-
18 cology Program of the Department of Health and
19 Human Services as a known or probable human
20 carcinogen.

21 “(4) Any substance defined in section 101(14)
22 of the Comprehensive Environmental Response,
23 Compensation, and Liability Act of 1980 and any
24 chemical subject to section 313 of the Emergency
25 Planning and Community Right-To-Know Act of
26 1986.

1 “(5) Any material subject to the requirements
2 concerning material safety data sheets for chemicals
3 under the Occupational and Safety and Health Act
4 of 1970.

5 “(6) Any chemical substance or mixture regu-
6 lated under the Toxic Substance Control Act.

7 “(7) Any hazardous waste identified under the
8 Solid Waste Disposal Act.

9 “(8) Such other contaminants, chemicals, mate-
10 rials, wastes, and substances as the President, act-
11 ing through the head of the appropriate agency, de-
12 termines to be appropriate for purposes of this title.

13 “(b) COVERED ENTITIES.—For purposes of this
14 title, the term ‘covered entity’ means any entity which
15 handles, manages, treats, releases, discharges, disposes,
16 stores, transports, removes, moves, or delivers covered
17 substances.

18 **“SEC. 2802. PROHIBITION AGAINST DISCRIMINATION.**

19 “(a) IN GENERAL.—A covered entity under section
20 2801 shall not, on the ground of race, color, or national
21 origin, disproportionately expose any person or community
22 to any covered substance.

23 “(b) COMPLIANCE.—

24 “(1) IDENTIFICATION.—Any entity under sub-
25 section (a) shall consult and work in partnership

1 with the States and local government officials and
2 the Federal Government to comply with subsection
3 (a).

4 “(2) ADDRESSING DISPROPORTIONATE EXPO-
5 SURE.—Any entity under subsection (a) shall ad-
6 dress the actual or potential disproportionate expo-
7 sure to covered substances of individuals or commu-
8 nities, on the ground of race, color, or national ori-
9 gin, when pursuing State and local administrative
10 proceedings for the authorized handling, manage-
11 ment, treatment, release, discharge, disposal, stor-
12 age, transport, removal, movement, or delivery of
13 covered substances.

14 **“SEC. 2803. REGULATIONS.**

15 “(a) IN GENERAL.—The President shall require the
16 appropriate Federal officials to issue regulations to imple-
17 ment section 2802 consistent with section 602 of the Civil
18 Rights Act of 1964 that relate to compliance.

19 “(b) ENFORCEMENT.—Compliance with any require-
20 ment adopted pursuant to this section may be effected (1)
21 by the termination of or refusal to grant authorization to
22 any covered entity to handle, manage, treat, release, dis-
23 charge, dispose, store, transport, remove, move, or deliver
24 covered substances, or (2) by any other means authorized
25 by law. With respect to any covered entity that is a recipi-

1 ent of Federal financial assistance, compliance may also
2 be effectuated pursuant to section 602 of the Civil Rights
3 Act of 1964.

4 “(c) DATES CERTAIN REGARDING REGULATIONS.—
5 For purposes of regulations under this section, all pro-
6 posed rules shall be issued not later than 180 days after
7 the date of the enactment of the Community Environ-
8 mental Equity Act, all final rules shall be issued not later
9 than 18 months after such date, and all the final rules
10 shall take effect not later than one year after such date.

11 “(d) BIENNIAL REPORT.—Not later than 2 years
12 after the date on which final rules are issued under this
13 section, and every 2 years thereafter, the Federal Inter-
14 agency Environmental Justice Working Group (estab-
15 lished under Executive Order 12898 (February 11, 1994))
16 shall submit to the Congress a report on activities carried
17 out under this title.”.

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